

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 6696 of 1995

To

FIRST APPEAL No 6709 of 1995

Hon'ble MR.JUSTICE Y.B.BHATT

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
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DY COLLECTOR

Versus

KADHARABHAI MOTIBHAI CHAUDHARI

Appearance:

Mr. M.R. Anand, G.P. with Mr. LR. Pujari, AGP for appellants.

Mr. M.P. Prajapati for respondents.

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 12/09/96

COMMON ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. Appeals admitted. Mr. M.P. Prajapati waives service on behalf of the respondents.
2. At the joint request of learned counsel for the respective parties these appeals are taken up for final hearing today.

3. These appeals are filed by the State under section 54 of the Land Acquisition Act read with section 96 CPC, challenging the common judgement and awards passed by the Reference Court under section 18 of the said Act.

4. The Reference Court has awarded compensation on the basis that, on the interpretation of the evidence on record, the market value of the acquired lands would be Rs.10/- per square meter. According to the learned counsel for the appellant, this award is excessive and requires to be modified.

5. After discussion on the merits of the matter and a discussion on the evidence on record, and with due regard to the relevant facts and circumstances of the case, learned counsel for the respective parties have arrived at a consensus, and have accordingly informed the Court that an earlier decision rendered by me on 26th February 1996 in First Appeal Nos.1023/95 to 1044/95 would completely cover the present controversy. Learned counsel for the respective parties, in short, have arrived at a consensus that having regard to all the relevant and material facts and circumstances, the land value determined by me in my earlier decision referred to hereinabove, would also be the fair and reasonable market value in respect of the lands in question in these group of appeals.

6. Thus, in view of what is stated hereinabove and for the reasons recorded by me in my earlier decision referred to hereinabove, the market value of the lands under acquisition is determined at Rs.8/- per square meter. The awards impugned in the present appeals shall stand modified accordingly only to the extent of the market value of the lands under acquisition, and the other figures in the rest of each award are sustained.

7. Thus, these appeals are partly allowed with no order as to costs.

8. Decree accordingly.

9. The appellants are directed to deposit in the trial court the requisite amount as per the present decree, separately in each of the References, latest by 10th January 1997.
